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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,251	11/17/2003	Michael Richard Barrett	03292.101830	6490
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FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MAHMOUDI, HASSAN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/716,251

Applicant(s)

BARRETT ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's Request for Continued Examination (RCE) submission and its accompanying Amendments filed on 16-July-2007 have been entered.

### *Remarks*

2. In response to communications filed on 16-July-2007 claims 1 and 13 are amended per applicant's request. Claims 1-13 are presently pending in the application, of which claims 1 and 13 are presented in independent form.

### *Priority*

3. The instant application is a CIP (continuation-in-part) of U.S. Non-Provisional Patent Application S/N 10/334,271, filed on 31-December-2002.

The limitation of "servicing component" of the instant application is ***not supported*** by the specification of the parent application. Therefore, the filing date of the Provisional Patent Application (**31-December-2002**) is considered the effective filing date for those claim

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limitations of the instant application *which do not include and/or refer to* the “servicing component” limitation.

Accordingly, claims components including and/or referencing the “servicing component” limitation are subject to the effective filing date of **17-November-2003** (the actual filing date of the instant application.)

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1 and 13 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Amended claim 1 recites a computing system “comprising at least one computer” and a series of *components* (e.g., registration, ownership, audit, and servicing components.)

According to the specification of the instant application, in page 4:

“The present invention may be described herein in terms of various *functional components* and various processing steps. It should be appreciated that *such functional components may be realized by a variety of different hardware* or structural components configured to perform the specified functions.”

From the specification details, the components of claim 1 are interpreted by the Examiner to represent *software components* or *software modules* which are not *necessarily* associated

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with any hardware (they “may be realized” by hardware, as per the description in the specification), and are therefore, considered non-statutory subject matter as software, per se.

The newly added limitation of, “at least one computer” does not remedy the “software” nature of the “components”. There is no indication that the “components” are indeed stored on a computer readable hardware (medium).

Applicant’s Amendments made to claim 13 overcomes the previous rejection of this claim under 35 U.S.C. 101 for tangibility of results. This rejection is hereby withdrawn by the Examiner.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**) in view of French et al. (U.S. Publication No. 2003/0033526 A1, hereinafter referred to as **French**.)

As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

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at least one computer (see paragraphs 34 and 60);

assigning a positive weight (see paragraphs 32 and 41) for a transaction that is deemed a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where “successful confirmation” is read on “successful answering”; and see “correct answers” in paragraph 56-59);

assigning a negative weight (see paragraphs 32, 35 and 43) for a transaction that is deemed an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where “unsuccessful confirmation” is read on “incorrect answers”); and

aggregating said positive and negative weights (see paragraph 58) to determine a usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where “usage history of the user identity” is read on “name/address record has been matched within the *preselected period*”).)

**Candella** does not explicitly teach determining a likelihood said user is correctly associated with said user identity; and using said likelihood with a hierarchical scheme of registration to allow or deny access to said user to different systems associated with the account.

However, **French** teaches a system and method for authenticating users on networks (see Abstract), in which he teaches determining a likelihood said user is correctly associated with said user identity (see paragraph 73); and using said likelihood with a hierarchical scheme of registration (see paragraph 58) to allow or deny access to said user to different systems associated with the account (see paragraphs 24 and 69.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Candella by the teachings of French, because doing so would result in a more secure and efficient access control mechanism, via which the system could verify if the user is the person he/she claims to be and based on the results of this validation grant or deny access to the user account, thereby preventing unauthorized access to users' accounts.

8. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as Bansal) in view of Benson et al (U.S. Pub. No. 2004/0225632 A1, hereinafter referred to as Benson), and further in view of Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as Candella.)

As to claim 1, Bansal teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where “user identities” is read on “user profiles”) comprising:

at least one computer (see “gateway” in figure 4);

a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);

an ownership component (see paragraph 156, where “ownership” is read on “membership”) configured to facilitate verification of the ownership of an account and to facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474,

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where “verification of ownership” is read on “verifying the identity of an entity”, and controlling access by the entity”);

an audit component (see paragraphs 80 and 99) configured to periodically facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where “verifying the integrity” is read on “ensuring transaction integrity”) based on a hierarchical process (see paragraphs 66, 355, and 421.)

**Bansal** does not teach: a servicing component configured to facilitate maintaining and modifying information relating to said identity.

**Benson** teaches an automated information management system (see paragraph 2), in which he teaches: a servicing component (see paragraph 55-57) configured to facilitate maintaining and modifying information relating to said identity (see paragraphs 6, 28 and 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bansal** by the teaching of **Benson**, because including a servicing component configured to facilitate maintaining and modifying information relating to said identity, would enable the system to use a service component to write changes to the identity, if changes are to be applied to the identity information, as taught by **Benson** (see paragraphs 55). **Benson** also uses service components for various other functions dealing with identity information, for example, reading data from a drop file, and for and writing information (see paragraph 56), and for applying changes to the unified identity information (see paragraph 57.)



**Bansal** as modified, still does not teach determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account.

**Candella** teaches a usage history (see paragraphs 53-55) based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account (see paragraphs 13, 43, 45, 49, 58, and 59.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bansal** as modified, by the teachings of **Candella**, because doing so would ensure the integrity of a user (identity) with an account that the user (identity owner) claims to be his/her account, and would prevent unauthorized access to an account by users who do not successfully provide a correct answer, while allowing users who successfully provide a correct answer, to access their accounts.

As to claim 2, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by users (see **Benson**, paragraphs 21, 25 and 74, and see **Bansal**, paragraphs 18 and 215.)

As to claim 3, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by one or more customer service representatives (see **Benson**, paragraphs 25 and

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74, where “customer service representative” is read on “administrator”, and see **Bansal**, paragraphs 41, 70, and 239.)

As to claim 4, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of a user id (see **Bansal**, paragraphs 349 and 477.)

As to claim 5, **Bansal** as modified, teaches wherein said ownership component is further configured for:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and  
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claims 6 and 9, **Bansal** as modified, still does not teach the system further configured for facilitating:

assigning a positive weight for a successful answer by an account associated with said identity;

assigning a negative weight for an unsuccessful answer by an account associated with said identity; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

**Candella** teaches a system for detecting identity theft (see paragraphs 1 and 11), in which he teaches:

assigning a positive weight (see paragraphs 32 and 41) for a successful answer by an account associated with said identity (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful answer by an account associated with said identity (see paragraphs 13 and 49); and

aggregating said positive and negative weights (see paragraph 58) to determine the likelihood a claimed identity is the owner of said account (see paragraph 30, where “the likelihood a claimed identity is the owner of said account” is read on “the probability that the purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph 49.”)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bansal** as modified, by the teachings of **Candella**, because assigning a positive weight for a successful answer by an account associated with said identity; assigning a negative weight for an unsuccessful answer by an account associated with said identity; and aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account, would assist the system in “determining the risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a ticket or enter a location 21, is not who they claim to be”, as taught by **Candella** in paragraph 28 and figures 2A-2B, and it would enable the system “to determine the probability that the purchaser is using another purchaser's identity in a fraudulent manner”, as taught by **Candella** in paragraph 30.

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As to claim 7, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of an account (see **Bansal**, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is further configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and  
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:

said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of ownership information from said user (see **Bansal**, paragraphs 35, 80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information (see **Bansal**, paragraphs 349 and 474-477.)

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As to claim 12, **Bansal** as modified, teaches wherein said information from said users comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

### ***Response to Arguments***

9. Applicant's arguments filed on 16-July-2007 with respect to the rejection of independent claim 1 and 13 in view of the cited references have been fully considered as follows:

Applicant's arguments in view of the rejection of independent claim 13 in view of the cited reference is fully considered but it is deemed moot in view of the new grounds for rejection.

Applicant's arguments presented in view of the rejection of independent claim 1, that, "neither Bansal et al., Benson et al., nor Candella et al. disclose or suggest anything equivalent to the use of a hierarchical process to verify the integrity of a relationship" has been fully considered but they are not deemed persuasive. The Examiner directs the Applicant's attention to the **Bansal** reference, in particular, paragraphs 66, 355, and 421.

### ***Conclusion***

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

August 23, 2007

/Tony Mahmoudi/

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